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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR JESUS HERNANDEZ, Jr.,

Defendants.

Case No. 2:18-CR-096-JAD-EJY

**STIPULATION TO CONTINUE
CALENDAR CALL**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, through Nicholas A. Trutanich, and Linda Mott, Assistant United States Attorney, and Rene L. Valladares, Federal Public Defender, and Shari Kaufman, Assistant Federal Public Defender, counsel for Cesar Jesus Hernandez, Jr., that the calendar call currently scheduled for October 28, 2019, at 1:30 pm, be vacated and re-set until November 4, 2019, or at date and time convenient to this Court.

The Stipulation is entered into for the following reasons:

1. Counsel for the government and counsel for Defendant Hernandez are working on a possible resolution to this case, and as such, request the calendar call be continued for one week.

2. The defendant is in custody and agrees to a continuance.

1 3. The additional time requested herein is not sought for purposes of delay and
2 the denial of this request could result in the miscarriage of justice.

3 4. All parties agree to the continuance.

4 5. The additional time requested by this Stipulation is excludable in computing
5 the time within which the trial herein must commence pursuant to the Speedy Trial Act,
6 Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under
7 Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv). In addition,
8 the continuance sought is not for delay and the ends of justice are in fact served by the
9 granting of such continuance which outweigh the best interest of the public and the
10 defendant in a speedy trial.

11 6. This is the first stipulation to continue calendar call filed herein.

12 DATED this 23rd day of October, 2019.

13 NICHOLAS A. TRUTANICH
14 United States Attorney

15 */s/ Linda Mott*

16 _____
17 LINDA MOTT
18 Assistant United States Attorney

19 */s/ Shari Kaufman*

20 _____
21 SHARI KAUFMAN
22 Counsel for Defendant
23 Cesar Jesus Hernandez, Jr.
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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 CESAR JESUS HERNANDEZ, JR.

7 Defendant.

Case No. 2:18-CR- 096-JAD-EJY

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

11 1. Counsel for the government and counsel for Defendant are working toward
12 a possible resolution of this case, and as such, request a one week continuance of the
13 calendar call, currently scheduled for October 28, 2019.

14 2. The defendant is currently in custody and agrees to a continuance.

15 3. All parties agree to the continuance.

16 4. The additional time requested herein is not sought for purposes of delay and
17 the denial of this request could result in the miscarriage of justice.

18 **CONCLUSIONS OF LAW**

19 The ends of justice served by granting said continuance outweigh the best interest
20 of the public and the defendant in a speedy trial, since the failure to grant said continuance
21 would be likely to result in a miscarriage of justice, would deny the parties herein sufficient
22 time and the opportunity within which to be able to effectively and thoroughly prepare for
23 trial, taking into account the exercise of due diligence. The continuance sought herein is
24 excludable under the Speedy Trial Act, Title 18, United States Code, Section

1 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section
2 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

3 **ORDER**

4 IT IS HEREBY ORDERED that the Calendar Call currently scheduled for October
5 28, 2019, at the hour of 1:30 p.m., be vacated and continued to October 30, 2019, at
6 the hour of 11:00 a.m.

7 DATED this 24th day of October, 2019.

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10 HONORABLE JENNIFER A. DORSEY
11 UNITED STATES DISTRICT JUDGE
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